

IN RE: PETITION FOR VARIANCE * BEFORE THE
W/S Greene Tree Road, 1590' N *
of the c/l of Hooks Lane * DEPUTY ZONING COMMISSIONER
(The Margate, formerly known as *
Section Three of Valley Gate) * OF BALTIMORE COUNTY
3rd Election District *
3rd Councilmanic District * Case No. 95-240-A

Margate Joint Venture, The *
Regency Homes, Inc., Partner - Petitioner
* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Deputy Zoning Commissioner as a Petition for Variance for property located on the west side of Green Tree Road north of Hooks Lane in the vicinity of Grey Rock in Pikesville. The Petition was filed by the owners of the property, Margate Joint Venture, by David R. Priddy, Vice President of The Regency Homes Group, Inc., a Partner, through their attorney, Robert A. Hoffman, Esquire. The Petitioners seek relief from Section 1B01.2.C.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) and Section V.B.3 of the Comprehensive Manual of Development Policies (C.M.D.P.) to permit a building separation of 30 feet in lieu of the required 40 feet for buildings with a height of 40 feet. The subject property and relief sought are more particularly described on the site plan submitted and marked into evidence as Petitioner's Exhibit 1.

Appearing on behalf of the Petition were Daniel P. McGrain, a representative of Regency Homes Group, Inc., Richard L. Smith, Registered Property Line Surveyor with KCI Technologies, Inc., Jean Tansey, a representative of Daft-McCune-Walker, Inc., Howard Resnick, Richard Hayward, and Robert A. Hoffman, Esquire, attorney for the Petitioner. Appearing as interested citizens were Ellen and Lawrence Young, nearby residents of the area. There were no Protestants present.

ORDER RECEIVED FOR FILING

Dec

By

MICROFILMED

Testimony and evidence offered revealed that the subject property consists of a gross area of 3.72 acres, more or less, zoned D.R. 3.5, and is proposed for development with 27 townhouse condominiums in accordance with the site plan marked into evidence as Petitioner's Exhibit 1. This property, formerly known as Section 3 of Valley Gate, was the subject of prior zoning Case No. 93-368-A in which variances were granted for the proposed development of this site on June 8, 1993. Testimony indicated, however, that the Petitioners failed to note on their plan that the proposed townhouses would be 40 feet in height, and thus, the requested variance is necessary in order to proceed. Further testimony indicated that there will be no other townhouses built in this community, and that the plan as originally submitted will remain virtually the same.

The B.C.Z.R., specifically Section 307.1, established a two-step process for the granting of variances. That two-step process was addressed and identified by the Court of Special Appeals in the case of Cromwell v. Ward, No. 617, September Term, 1994. The opinion in that case, issued January 4, 1995 and authored by the Honorable J. Cathell, interpreted our regulations to require the applicant to establish the following:

First, the Applicant (Petitioner) must prove, and this Deputy Zoning Commissioner must find, that the "property whereon structures are to be placed (or uses conducted) is -- in and of itself-- unique and unusual in a manner different from the nature of surrounding properties such that the uniqueness and peculiarity of the subject property causes the zoning provision to impact disproportionately upon that property."

I find from the testimony and evidence presented in this case that the subject property is unique, unusual and different from properties

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Date

By

which surround the subject site so as to cause this applicable zoning provision to impact disproportionately upon this particular parcel of land.

Having satisfied this "first step" the Applicant (Petitioner) must proceed to the "second step" of this variance process, which is to show that strict compliance with the zoning regulations for Baltimore County would result in practical difficulty or unreasonable hardship.

The practical difficulty or unreasonable hardship guidelines that have been imposed by the Baltimore County Zoning Regulations (B.C.Z.R.) have been thoroughly examined and discussed by the appellate courts of this State. In Loyola Federal Savings and Loan Association v. Buschman, 227 Md. 243, 176 A.2d 355 (1961), the Court of Appeals considered the identical regulation to Section 307.1 of the B.C.Z.R.

As the Court noted: "Section 307 of the Regulations uses the two terms (practical difficulty or unreasonable hardship) in the disjunctive." Loyola Federal, p. 358. Thus, by the use of the term "or", Section 307 offers the Petitioner an opportunity to obtain its variance upon satisfaction of either the undue hardship or practical difficulty standard.

The distinction between these standards was clarified by the Court of Special Appeals in Anderson v. Board of Appeals, Town of Chesapeake Beach, 22 Md. App. 28, 322 A.2d 220 (1974). Within that opinion, the Court held that the undue hardship standard applies to a petition for a use variance. The Court noted that a use variance, which permits a use on the property other than that specifically permitted in that particular district, requires the imposition of a higher standard. That is, to allow the change of use for a particular property requires the Petitioner to demonstrate real hardship, where the land cannot allow a reasonable return if used only in accordance with the use restrictions of the ordinance.

ORDER RECEIVED FOR FILING
Date 2/21/95
By [Signature]

Compared with this heavy burden, the Court reviewed the practical difficulty standard applicable for area variances. The Court characterized area variances as having a much less drastic effect than use variances, in that they seek relief only from height, area, setback, or side property line restrictions and would not affect the property's use, per se. The Court envisioned the impact of area variances on the surrounding locale to be less than that generated by use variances, and thus, the lesser practical difficulty standard applies. The prongs of that standard which must be satisfied by the Petition, as enunciated in Anderson, supra, are as follows:

- 1) whether compliance with the strict letter of restrictions governing area, setbacks, frontage, height, bulk or density would unreasonably prevent the owner from using the property for a permitted purpose or would render conformity with such restrictions unnecessarily burdensome;
- 2) whether a grant of the variance applied for would do substantial injustice to applicant as well as to other property owners in the district or whether a lesser relaxation than that applied for would give substantial relief to the owner of the property involved and be more consistent with justice to other property owners; and
- 3) whether relief can be granted in such fashion that the spirit of the ordinance will be observed and public safety and welfare secured.

Anderson, p. 39. See also McLean v. Soley, 270 Md. 208 (1973) at pps. 214-215.

I find from the testimony and evidence presented at the hearing before me that the Applicants have in fact proven the practical difficulty standards as set forth above and that the variance requested should be granted. I further find that the granting of this variance is in strict harmony with the spirit and intent of the B.C.Z.R. and that the granting

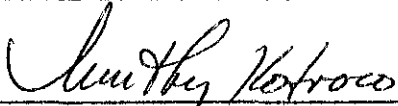
ORDER RECEIVED FOR FILING
Date 2/21/95
By [Signature]

of this relief is accomplished without injury to the public health, safety or general welfare.

Pursuant to the advertisement, posting of the property and public hearing on this Petition held, and for the reasons set forth above, the requested variance should be granted.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 21st day of February, 1995 that the Petition for Variance seeking relief from Section 1B01.2.C.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) and Section V.B.3 of the Comprehensive Manual of Development Policies (C.M.D.P.) to permit a building separation of 30 feet in lieu of the required 40 feet for buildings with a height of 40 feet, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject to the following restriction:

1) The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the relief granted herein shall be rescinded.


TIMOTHY M. KOTROCO
Deputy Zoning Commissioner
for Baltimore County

TMK:bjs

ORDER RECEIVED FOR FILING

Date

By

Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning



Suite 112 Courthouse
400 Washington Avenue
Towson, MD 21204

(410) 887-4386

February 21, 1995

Robert A. Hoffman, Esquire
Venable, Baetjer & Howard
210 Allegheny Avenue
Towson, Maryland 21204

RE: PETITION FOR VARIANCE
W/S Greene Tree Road, 1590' N of the c/l of Hooks Lane
(The Margate, formerly known as Section Three of Valley Gate)
3rd Election District - 3rd Councilmanic District
Margate Joint Venture, The Regency Homes, Inc., Partner - Petitioner
Case No. 95-240-A

Dear Mr. Hoffman:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Variance has been granted in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact the Zoning Administration and Development Management office at 887-3391.

Very truly yours,

A handwritten signature in dark ink, appearing to read "Timothy Kotroco", is written over a horizontal line.

TIMOTHY M. KOTROCO
Deputy Zoning Commissioner
for Baltimore County

TMK:bjs

cc: Mr. David R. Priddy, Vice President, The Regency Homes Group, Inc.,
49 Old Solomons Island Road, Suite 301, Annapolis, Md. 21401

Mr. & Mrs. Lawrence Young, 21 Mary Carroll Ct., Baltimore, Md. 21208

People's Counsel

A handwritten checkmark is drawn over the word "File".
File

600 000 1000000



Petition for Variance

to the Zoning Commissioner of Baltimore County

for the property located at W/s Greentree Road
1590' N of c/l of Hooks Lane

which is presently zoned DR3.5

This Petition shall be filed with the Office of Zoning Administration & Development Management.

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section(s)

1BC1.2(C).1 of the Baltimore County Zoning Regulations and Section V.B.3. of the Comprehensive Manual of Development Policies to allow a building separation based on a building height of 40 ft. to be 30 ft. instead of the required 40 ft.

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County; for the following reasons: (indicate hardship or practical difficulty)

To be determined at hearing.

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

Contract Purchase/Lessee

(Type or Print Name)

Signature

Address

City State Zipcode

Attorney for Petitioner:

Robert A. Hoffman

(Type or Print Name)

Signature Venable, Baetjer & Howard
210 Allegheny Avenue 494-6262

City Towson, Maryland State Maryland Zipcode 21204

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition

Legal Owner(s) Margate Joint Venture

By: The Regency Homes Group, Inc., Partner

(Type or Print Name)

By:

Signature

David R. Priddy, Vice President

(Type or Print Name)

Signature

49 Old Solomons Island Road
Suite 301 (410)266-7513

Address Phone No.

Annapolis, Maryland 21401

City State Zipcode

Name, Address and phone number of legal owner, contract purchaser or representative to be contacted.

Robert A. Hoffman

Name 210 Allegheny Avenue
Towson, Maryland 21204 494-6262

Address Phone No.

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING

unavailable for hearing

the following date _____ Next Two Months

ALL _____ OTHER _____

REVIEWED BY: _____ DATE _____

ORDER RECEIVED FOR FILING

Date

By:

**DROP-OFF
No REVIEW**

1-4-95 WCR

**DESCRIPTION
THE MARGATE
3.3 ACRE, MORE OR LESS PARCEL
WEST SIDE OF GREENE TREE ROAD, NORTH OF HOOK'S LANE
ELECTION DISTRICT 3
BALTIMORE COUNTY, MARYLAND**

This description is to accompany the petition for a variance to building separation based on building height.

BEGINNING FOR THE SAME on the west side of Greene Tree Road, said point of beginning being 1,590 feet, more or less northerly from the center line of Hook's Lane, thence continuing to bind on the west side of Greene Tree Road

(1) North 08 degrees 32 minutes 34 seconds West 671.55 feet to intersect the northwest outline of the whole tract, thence southwesterly the two following courses and distances,

(2) South 36 degrees 04 minutes 45 seconds West 27.29 feet and

(3) South 25 degrees 28 minutes 08 seconds West 716.13 feet to intersect the North boundary line of the "Festival at Woodholm" property (shown and recorded on the First Amended Plat, SM57-79), thence binding on said line North 89 degrees 23 minutes and 34 seconds East 423.80 feet to the Place of Beginning.

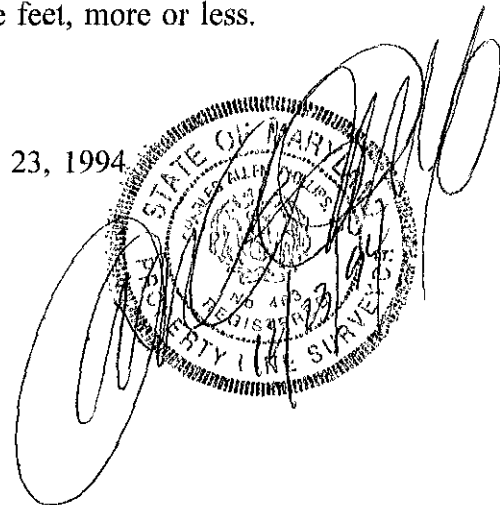
Containing 3.3 acres of land, more or less, or 143,748 square feet, more or less.

/dmr

KCI Job No. 01-76055M

December 23, 1994

file: margate.des



CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

95-240-A

District: 3rd Date of Posting: 1/20/95
Posted for: Variances
Petitioner: Margate Point Ventures
Location of property: W/S Green, Tract D, N of Hooks Lane
Location of Signs: Facing road way, on property being zoned.
Remarks: _____
Posted by: M. Hester Date of return: 1/25/95
Signature
Number of Signs: 1

MICROFILMED

CERTIFICATE OF PUBLICATION

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204 or Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

Case: #95-240-A
(Item 228)
W/S Greene Tree Road,
1590' N of c/l Hooks Lane
(The Margate; formerly
Section 3, Valley Gate)
3rd Election District
3rd Councilmanic
Legal Owner(s):
Margate Joint Venture
Hearing: Friday,
February 10, 1995, at
2:00 p.m. in Rm. 106,
County Office Building

Variance to allow a building separation based on a building height of 40 feet to be 30 feet instead of the required 40 feet.

LAWRENCE E. SCHMIDT
Zoning Commissioner for
Baltimore County

NOTES: (1) Hearings are Handi-
capped Accessible; for special ac-
commodations Please Call
887-3363.

(2) For information concern-
ing the File and/or Hearing, Please
Call 887-3361.

1/17/95 January 19.

TOWSON, MD.,

Jan 20, 1995

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on Jan 19, 1995.

THE JEFFERSONIAN,

A. Henickson
LEGAL AD. - TOWSON

~~Publication~~

APPROVED FOR PUBLICATION



Baltimore County
Zoning Administration &
Development Management
777 West Chesapeake Avenue
Towson, Maryland 21204

receipt

95-240-A

Account: R-001-6150

Number 22

Date 1/4/95

DROP-OFF ----- NO RETURN

#020 VARIANCE ----- \$250.00

#080 SIGN POSTING ----- 35.00

TOTAL ----- \$285.00

Legal Owner: Margate Joint Venture

W/S Greentree Road, 1590' N of centerline Hooks Lane (The Margate)

3.3 +/- acre

zoned D.R.-3.5

District: 3c3

Attorney: Robert A. Halfon

Check From: Venable, Baetjer & Johnson

APPROVED

PAID

Please Make Checks Payable To: Baltimore County

Cashier Validation

TO: PUTIXENT PUBLISHING COMPANY
January 19, 1995 Issue - Jeffersonian

Please forward billing to:

Barbara Ormord
Venable, Baetjer & Howard
210 Allegheny Avenue
Towson, Maryland 21204
494-6262

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in
Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204

or

Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 95-240-A (Item 228)

W/S Greene Tree Road, 1590' N of c/l Hooks Lane

(The Margate; formerly Section 3, Valley Gate)

3rd Election District - 3rd Councilmanic

Legal Owner(s): Margate Joint Venture

HEARING: FRIDAY, FEBRUARY 10, 1995 at 2:00 p.m. in Room 106, County Office Building.

Variance to allow a building separation based on a building height of 40 feet to be 30 feet instead of the required 40 feet.

LAWRENCE E. SCHMIDT
ZONING COMMISSIONER FOR BALTIMORE COUNTY

NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.
(2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, PLEASE CALL 887-3391.

Baltimore County Government
Office of Zoning Administration
and Development Management



111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

JANUARY 10, 1995

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204
or
Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 95-240-A (Item 228)

W/S Greene Tree Road, 1590' N of c/l Hooks Lane

(The Margate; formerly Section 3, Valley Gate)

3rd Election District - 3rd Councilmanic

Legal Owner(s): Margate Joint Venture

HEARING: FRIDAY, FEBRUARY 10, 1995 at 2:00 p.m. in Room 106, County Office Building.

Variance to allow a building separation based on a building height of 40 feet to be 30 feet instead of the required 40 feet.

A handwritten signature in black ink, appearing to read "Arnold Jablon".

Arnold Jablon
Director

cc: Margate Joint Venture
Robert A. Hoffman, Esq.

NOTES: (1) ZONING SIGN & POST MUST BE RETURNED TO RM. 104, 111 W. CHESAPEAKE AVENUE ON THE HEARING DATE.
(2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.
(3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THIS OFFICE AT 887-3391.



Baltimore County Government
Office of Zoning Administration
and Development Management



111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

February 1, 1995

Robert A. Hoffman, Esquire
210 Allegheny Avenue
Towson, Maryland 21204

RE: Item No.: 228
Case No.: 95-240-A
Petitioner: Margate Joint Venture

Dear Mr. Hoffman:

The Zoning Advisory Committee (ZAC), which consists of representatives from Baltimore County approving agencies, has reviewed the plans submitted with the above referenced petition. Said petition was accepted for processing by, the Office of Zoning Administration and Development Management (ZADM), Development Control Section on January 4, 1995.

Any comments submitted thus far from the members of ZAC that offer or request information on your petition are attached. These comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties; i.e., zoning commissioner, attorney, petitioner, etc. are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case. Only those comments that are informative will be forwarded to you; those that are not informative will be placed in the permanent case file.

If you need further information or have any questions regarding these comments, please do not hesitate to contact the commenting agency or Joyce Watson in the zoning office (887-3391).

Sincerely,

A handwritten signature in dark ink, reading "W. Carl Richards, Jr." with a stylized flourish at the end.

W. Carl Richards, Jr.
Zoning Supervisor

WCR/jw
Attachment(s)

MICROFILMED



Baltimore County Government
Fire Department



700 East Joppa Road Suite 901
Towson, MD 21286-5500

(410) 887-4500

DATE: 01/12/95

Arnold Jablon
Director
Zoning Administration and
Development Management
Baltimore County Office Building
Towson, MD 21204
MCN 510P-1105

Re: Property Owner: MARGATE JOINT VENTURE

LOCATION: N.S. GREEN TREE RD., 1550' N OF CLIFFLINE RD. S. E.
(THE MARGATE, FORMERLY SECTION 3, VALLEY DASH.)

Item No.: PFR

Zoning Agenda: VARIANCE

Settlement:

In pursuant to your request, the referenced property has been conveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

4. The site shall be made to comply with all applicable parts of the Fire Prevention Code prior to occupancy or beginning of operation.

5. The buildings and structures existing or proposed on the site shall comply with all applicable requirements of the National Fire Protection Association Standard No. 101 "Life Safety Code", 1991 edition prior to occupancy.

RECEIVED
JAN 17 1995

ZADM

REVIEWER: LT. ROBERT P. CALDWELL
Fire Marshal Office, PHONE 887-4893, MS-1105P

cc: File

MICROFILMED



BALTIMORE COUNTY, MARYLAND
I N T E R O F F I C E C O R R E S P O N D E N C E

TO: Arnold Jablon, Director DATE: January 23, 1995
Zoning Administration and Development Management

FROM: *RWB* Robert W. Bowling, P.E., Chief
Developers Engineering Section

RE: Zoning Advisory Committee Meeting
for January 23, 1995
Item No. 228

The Developers Engineering Section has reviewed the subject zoning item. The privacy fencing proposed for Castleton Avenue shall be placed 10 feet off the right-of-way. Planting shall occur between the fence and roadway. The approved final landscape plan must be amended to reflect the proper fence location.

RWB:sw

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Zoning Administration &
Development Management

FROM: Pat Keller, Director
Office of Planning and Zoning

DATE: January 23, 1995

SUBJECT: The Margate

INFORMATION:

Item Number: 228
Petitioner: Margate Joint Venture
Property Size: 3.3 acres
Zoning: DR 3.5
Requested Action: Variance
Hearing Date: / /

SUMMARY OF RECOMMENDATIONS:

On January 17, 1995, the applicant requested a limited exemption to create a land parcel as part of a land exchange between The Margate and the Grey Rock subdivisions. The Development Review Committee approved the request; however, the DRC indicated that the owners of both properties will be required to amend their respective Final Development Plans. Therefore, the applicant should amend the subject request to include a Special Hearing to amend the FDP for Grey Rock. At such time as the Petition for Special Hearing is forwarded, this office will provide comments regarding the amendment.

Prepared by: Jeffrey W. Long

Division Chief: Cam L. Kern

PK/JL:lw

MICROFILMED



Maryland Department of Transportation
State Highway Administration

O. James Lighthizer
Secretary
Hal Kassoff
Administrator

1-13-95

Ms. Julie Winiarski
Zoning Administration and
Development Management
County Office Building
Room 109
111 W. Chesapeake Avenue
Towson, Maryland 21204
ATTN: MS. JOYCE COATSON
Dear Ms. Winiarski:

Re: Baltimore County
Item No.: *4220 (WICK)*

This office has reviewed the referenced item and we have no objection to approval as it does not access a State roadway and is not effected by any State Highway Administration project.

Please contact Bob Small at 410-333-1350 if you have any questions.

Thank you for the opportunity to review this item.

Very truly yours,

Bob Small

for Ronald Burns, Chief
Engineering Access Permits
Division

BS/

My telephone number is _____

Maryland Relay Service for Impaired Hearing or Speech
1-800-735-2258 Statewide Toll Free

Mailing Address: P.O. Box 717 • Baltimore, MD 21203-0717
Street Address: 707 North Calvert Street • Baltimore, Maryland 21202

MICROFILMED

BALTIMORE COUNTY, MARYLAND
DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT
INTER-OFFICE CORRESPONDENCE

TO: ZADM

DATE: 1/27/95

FROM: DEPRM
Development Coordination

SUBJECT: Zoning Advisory Committee
Agenda: 1/17/95

The Department of Environmental Protection & Resource Management has no comments for the following Zoning Advisory Committee Items:

Item #'s: 226
227
228 ✓
229
231
232
233
235

LS:sp

LETTY2/DEPRM/TXTSBP

RE: PETITION FOR VARIANCE * BEFORE THE
W/S Greene Tree Road, 1590' N of c/l Hooks *
Lane, (The Margate; formerly Section 3, * ZONING COMMISSIONER
Valley Gate), 3rd Election District, - *
3rd Councilmanic * OF BALTIMORE COUNTY

Margate Joint Venture * CASE NO. 95-240-A
Petitioners *

* * * * *

ENTRY OF APPEARANCE

Please enter the appearance of the People's Counsel in the above-captioned matter. Notice should be sent of any hearing dates or other proceedings in this matter and of the passage of any preliminary or final Order.

Peter Max Zimmerman
PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

Carole S. Demilio
CAROLE S. DEMILIO
Deputy People's Counsel
Room 47, Courthouse
400 Washington Avenue
Towson, MD 21204
(410) 887-2188

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 24th day of January, 1995, a copy of the foregoing Entry of Appearance was mailed to Robert A. Hoffman, Esquire, Venable, Baetjer and Howard, 210 Allegheny Avenue, P. O. Box 5517, Towson, MD 21204, attorney for Petitioners.

Peter Max Zimmerman
PETER MAX ZIMMERMAN

Baltimore County Government
Office of Zoning Administration
and Development Management



95-240-A

111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

January 10, 1995

Robert A. Hoffman, Esquire
Venable, Baetjer and Howard
210 Allegheny Avenue
Towson, MD 21204

RE: Preliminary Petition Review (Item #228)
Legal Owner: Margate Joint Venture
(By: The Regency Homes Group, Inc., Partner)
W/S Greentree Road, 1590' N of the centerline
Hooks Lane (The Margate)
Zoned: D.R.-3.5
Acres: 3.3 +/-
3rd Election District
3rd Councilmanic District

Dear Mr. Hoffman:

At the request of the attorney/petitioner, the above referenced petition was accepted for filing without a final filing review by the staff. The plan was accepted with the understanding that all zoning issues/filing requirements would be addressed. A subsequent review by the staff has revealed unaddressed zoning issues and/or incomplete information. The following comments are advisory and do not necessarily identify all details and inherent technical zoning requirements necessary for a complete application. As with all petitions/plans filed in this office, it is the final responsibility of the petitioner to make a proper application, address any zoning conflicts and, if necessary, to file revised petition materials. All revisions (including those required by the hearing officer) must be accompanied by a check made out to Baltimore County, Maryland for the \$100.00 revision fee.

MICROFILMED



Robert A. Hoffman, Esquire
January 10, 1995
Page 2

95-240-A

1. Indicate the building numbers which required the variances (lot or building specific).
2. The FDP must be amended. This can be done by a special hearing request or re-submitting the FDP with the variances granted and indicating that no lots have been sold within 300 feet.

If you need further information or have any questions, please do not hesitate to contact me at 887-3391.

Very truly yours,



Mitchell J. Kellman
Planner II

MJK:scj

Enclosure (receipt)

cc: Zoning Commissioner

12-75
1/3/95
8
VENABLE, BAETJER AND HOWARD, LLP
Including professional corporations

210 Allegheny Avenue
Post Office Box 5517
Towson, Maryland 21285-5517
(410) 494-6200, Fax (410) 821-0147

VENABLE
ATTORNEYS AT LAW

OFFICES IN

MARYLAND
WASHINGTON, D.C.
VIRGINIA

228

January 3, 1995

Mr. Carl Richards
Zoning Office
111 W. Chesapeake Avenue
Towson, Maryland 21204


Re: Margate Joint Venture, legal owner
W/s Greentree Road, 1590' N of c/l of Hooks Lane
Petition for Variance

Dear Carl:

We are hereby drop filing the enclosed Petition for Variance regarding the above captioned property.

Please call if you have any questions.

Sincerely,


Barbara W. Ormord,
Legal Assistant

Enclosure
cc: Robert A. Hoffman, Esquire

RECEIVED
JAN 3 1995

ZADM

PLEASE PRINT CLEARLY

PETITIONER(S) SIGN-IN SHEET

NAME

ADDRESS

Howard Rebeck

9030 Red Branch Rd. Suite 200
Columbia MD.

RICHARD L. SMITH

KCI TECHNOLOGIES, INC.
10 NORTH PARK DR. 21030

Daniel P. McGlain

Regency Homes, Inc. (applicant)
49 Old Solomons Island Road
Annapolis, MD 21044

Rob Hoffman

Richard Maynard

210 Allegheny Ave 21204

11714 Stonygate Lane

Columbia, MD, 21044

JEAN TANSEY

DMW INC., 200 E. PA. AV., TOWSON
21286

MICROFILMED

CITIZENS

PLEASE PRINT CLEARLY

PETITIONER(S) SIGN-IN SHEET

NAME

ADDRESS

Ellen & Lawrence Young

21 Mary Carroll Ct., Balt. 21208



PRIVATE

ROAD

W 34.5

95-240-A

228



BR

BM

GREENE TREE ROAD

D.R. 3.5

GREY

D.R. 10.5

ROCK

SUBJECT SITE

PRIVATE

POINT OF BEGINNING
N 34.348 W 338.97

ROAD

1500' TO
HOOKS LANE

KELLER

CASTLETON AVE.

BL

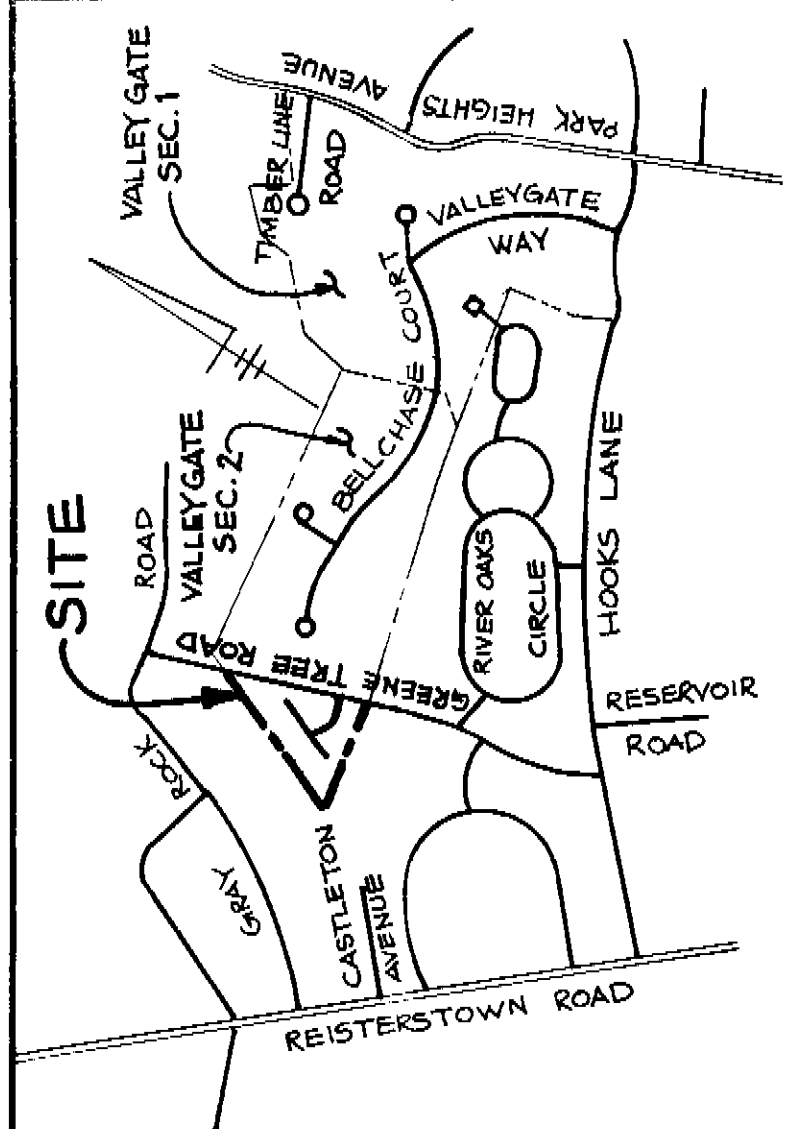
0-2

BM

D.R. 10.5

2001 ZONING MAP
NW 9F

ROAD



LOCATION MAP

SCALE: 1" = 1000'

GENERAL NOTES

1. AREA OF THE PROPERTY - 8.9 AC. 1, GROSS ACREAGE - 3,72 AC. 1
2. EXISTING ZONING OF THE PROPERTY - DR 35' AND' 2
3. PROPOSED USE OF THE PROPERTY - RESIDENTIAL TOWNHOUSE CONDOMINIUMS (FOR SALE)
4. ALL RIGHTS AND ALL UTILITIES WITHIN THE PROJECT ARE TO REMAIN IN PLACE
5. TRASH COLLECTION WILL BE BY A PRIVATE CONTRACTOR
6. LANDSCAPING OF THE SITE WILL BE IN COMPLIANCE WITH THE BATTINGTON CONS. PLAN, THE MARGATE TOWN ANNUAL PLAN AND THE MARGATE TOWN ZONING ORDINANCE
7. A ALLOWED NO OF DWELLING UNITS = 13/02
8. PROPOSED NO OF DWELLING UNITS = 13/02
9. PROPOSED NO OF DWELLING UNITS = 13/02
10. GATE APPROVED AS AN OVER ALL PLAN 1/31/80 AND 1/31/80
11. PARKING SPACES 17/21/87 CODE 1/31/80 PLANNING III 2/29/85
12. APPROVED 1/21/87
13. PROPOSED 1/21/87
14. COMMON OPEN SPACE : (PER OVERALL PLAN OF VALLEYGATE) 1/21/87
15. A. 1. SECTION 1 - NOINE
16. 2. SECTION 2 - 0.78 AC. 1 (52+650 S.F.)
17. 3. SECTION 3 (THE MARGATE) - 0.40 AC. 1 (25 X 650 S.F.)
18. B. 1. SECTION 1 - NOINE
19. 2. SECTION 2 - 3.87 AC. 1 (OWNED) (MAINTAINED BY H.O.A.)
20. 3. SECTION 3 - 2.18 AC. 1 (OWNED) (MAINTAINED BY H.O.A.)
21. AVERAGE DAILY TRIPS - 21 X 85 = 220

Petitioners
#1

NOTE:

PETITIONER IS REQUESTING A VARIANCE TO SECTION 1 B01.2 (C) 1 OF THE BCZB AND SECTION V.B. 3 OF THE CMAPD (SEPT. 1972) DISTANCES BETWEEN SEPARATE BUILDINGS) TO ALLOW A BUILDING TO BUILD SEPARATION BASED ON A BUILDING HEIGHT OF 40.0' TO BE 30' INSTEAD OF THE REQUIRED 40'.
A VARIANCE OF 10'.

* DENSITY CALCULATIONS		DENSITY CALCULATIONS	
VALLEY GATE	SMELL UNITS ADJUSTED	SMELLING UNITS PROPOSED	
SECTION 1	26	32 (46.5 LOTS MIN. 1 ACRE)	
SECTION 2	506	52 (44 SINGLE FAMILIES 1/2 CORRID)	
SECTION 3	13	(CORRID) 27	
TOTAL	145	100	
SECTION 1 - DENSITY			
DR. 1.5 = 1.20 AC. 1.1 = 1.18 (10)			
DR. 1.5 = .87 AC. 1.1 = .87 (10)			
DR. 1.5 = .87 AC. 1.1 = .87 (10)			
SECTION 2 - DENSITY			
DR. 1.5 = 30.31 AC. 1.1 = 106.49 (100)			
SECTION 3 - DENSITY			
DR. 1.5 = 2.72 AC. 1.1 = 13.07 (13)			
TOTAL GROSS ACREAGE = 74.38			
THE MAPS ARE LOCATED ON SECTION "A" OF CITY OFFICIALLY APPROVED AS A GENERAL PLAN OF 7/2/84. APPROVED 7/27/87. THE PLAN OF VALLEY GATE MM-SECTOR (1984-2) WAS RECD.			

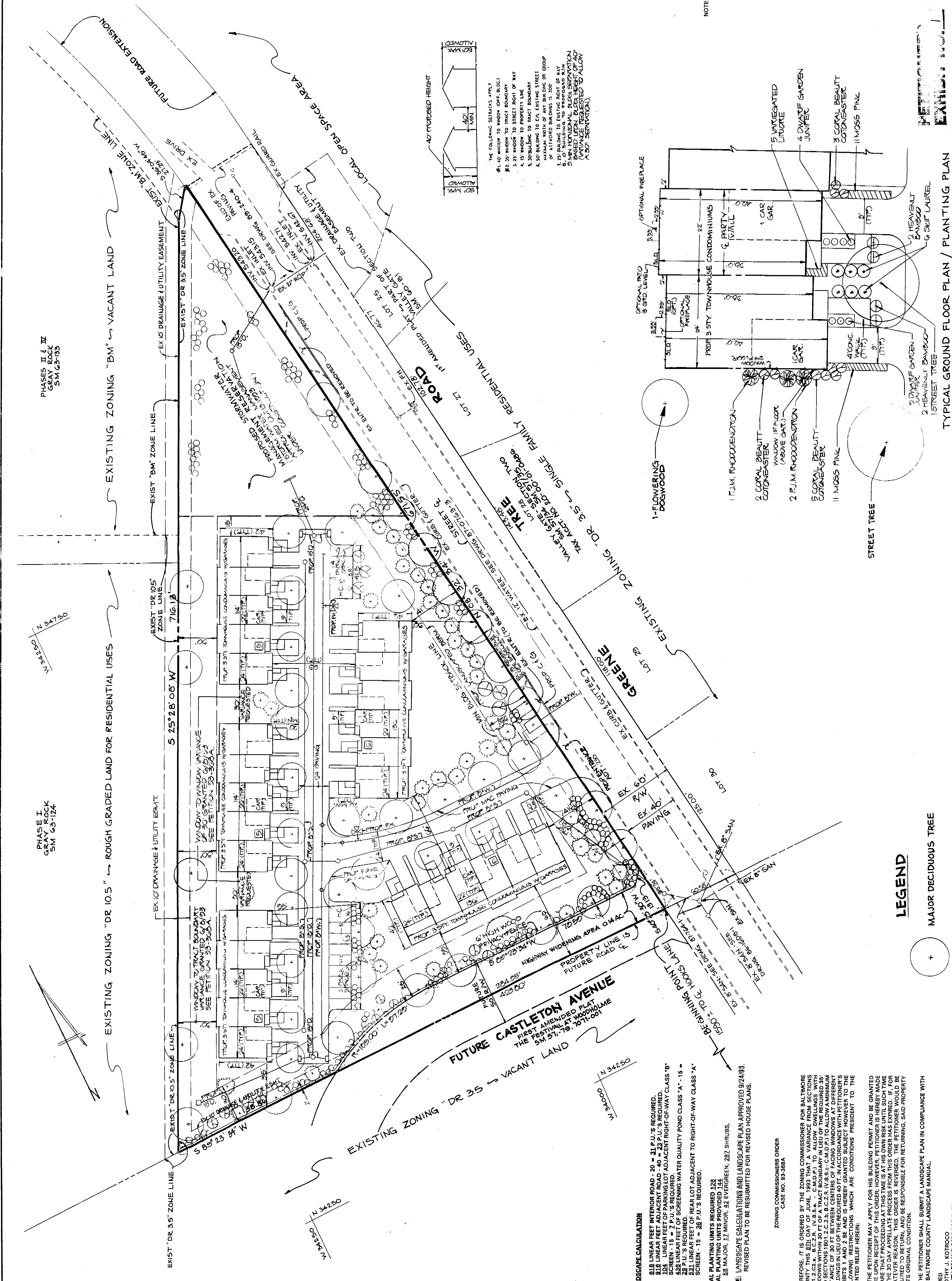
KCI
TECHNOLOGIES
KCI TECHNOLOGIES INC.
ENGINEERS • PLANNERS • SURVEYORS
10 NORTH PARK DRIVE
HUNT VALLEY, MARYLAND 21080 (410) 316-7000

PLAT TO ACCOMPANY PETITION FOR VARIANCE

2

(FORMERLY SECTION THREE VALLEY GATE)
WEST SIDE OF GREENE TREE ROAD, 1550 ± NORTH OF HOOKS LANE

DESIGN BY: ELS	SCALE	DATE	SHEET NUMBER	JOB NUMBER
DRAWN BY: AJP	1" = 30'	12-20-24	1 OF 1	17-035 M
CHECKED BY: PLS				



TYPICAL GROUND FLOOR PLAN / PLANTING PLAN

SCALE: 1"=10'

LEGEND

- MAJOR DECIDUOUS TREE
MINOR EVERGREEN TREE
MINOR FLOWERING TREE
SHRUB MASS

LANDSCAPE CALCULATION

- 0.18 LINEAR FEET INTERIOR ROAD - 20 = 31 P.U.'S REQUIRED.
0.19 ADJACENT ROAD - 40 = 23 P.U.'S REQUIRED.
0.20 LINEAR FEET ADJACENT RIGHT-OF-WAY CLASS "B" - 103 = 7 P.U.'S REQUIRED.
0.21 LINEAR FEET ADJACENT RIGHT-OF-WAY CLASS "A" - 15 = 8 P.U.'S REQUIRED.
0.22 LINEAR FEET OF SCREENING WATER QUALITY POND CLASS "A" - 15 = 28 P.U.'S REQUIRED.
0.23 LINEAR FEET OF REAR LOT ADJACENT TO RIGHT-OF-WAY CLASS "A" - 531 LINEAR FEET = 38 P.U.'S REQUIRED.

TOTAL PLANTING UNITS REQUIRED 126
TOTAL PLANTING UNITS PROVIDED 144
58 MAJOR, 17 MINOR, 42 EVERGREEN, 287 SHRUBS,
NOTE: LANDSCAPE CALCULATIONS AND LANDSCAPE PLAN APPROVED 9/24/93.
REVISED PLAN TO BE RESUBMITTED FOR REVISED HOUSE PLANS.

ZONING COMMISSIONERS ORDER

CASE NO. 93-368A

THEFORE, IT IS ORDERED BY THE ZONING COMMISSIONER FOR BALTIMORE COUNTY THAT ON THE 8TH DAY OF JUNE, 1993 THAT A VARIANCE FROM SECTIONS 17-101 AND 17-102 OF THE BALTIMORE ZONING ORDINANCES BE GRANTED TO ALLOW DWELLINGS WITH WINDOWS WITH 30 FT OF A TRACT BOUNDARY TO BE REQUIRED TO FOLLOW 35 FT OF A TRACT BOUNDARY. THE VARIANCE IS TO BE GRANTED TO THE FOLLOWING PARCELS AND SECTIONS: 1B01.2, 2.2, 2.6, 8 C 2 R, 1 V 8 S 6 C, M D P, TO ALLOW DIFFERENT DISTANCE OF 30 FT FROM DISTANCE OF 35 FT. IN ACCORDANCE WITH PETITIONER'S EXHIBITS 1 AND 2 BE AND IS HEREBY GRANTED SUBJECT HOWEVER TO THE FOLLOWING RESTRICTIONS WHICH ARE CONDITIONS PRESENT TO THE GRANTED LICENSE HEREIN:

1. THE PETITIONER MAY APPLY FOR HIS BUILDING PERMIT AND BE GRANTED SAME, FOR RECEIPT OF THIS ORDER; HOWEVER, PETITIONER IS HEREBY MADE AWARE OF THE RISK OF PROCEEDING AT THIS TIME IS AT HIS OWN RISK UNTIL SUCH TIME AS HE HAS THE 30 DAY LATE PROCESS FROM THIS ORDER HAS EXPIRED. IF, FOR WHATEVER REASON, THE PERMITTEE WOULD BE REJECTED, THE PETITIONER WOULD BE REQUIRED TO RETURN, AND BE RESPONSIBLE FOR RETURNING, SAID PROPERTY TO ITS ORIGINAL CONDITION.
2. THE PETITIONER SHALL SUBMIT A LANDSCAPE PLAN IN COMPLIANCE WITH THE BALTIMORE COUNTY LANDSCAPE MANUAL.

SITE DATA

1. CRG PLAN N° 91273, APPD 11-14-91.
2. FLANNING U2 III-384
3. CENSUS TRACT 4037-01
4. WATERSHED 27, SUBSEWERSED 65.
5. TAX ACCT. N° 20-00-01287.
6. DEED REF : 8258-098

OWNER AND DEVELOPER

MARGATE JOINT VENTURE
20030 RED BRANCH RD. SUITE 200
COLUMBIA, MD. 21045
ATTN: MR. RICHARD HATWARD 410

E	REVISION	No

IN RE: PETITION FOR VARIANCE
W/S Greene Tree Road, 1590' N
of the c/l of Hooks Lane
(The Margate, formerly known as
Section Three of Valley Gate)
3rd Election District
3rd Councilmanic District

* BEFORE THE
* DEPUTY ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* Case No. 95-240-A

Margate Joint Venture, The
Regency Homes, Inc., Partner - Petitioner

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Deputy Zoning Commissioner as a Petition for Variance for property located on the west side of Green Tree Road north of Hooks Lane in the vicinity of Grey Rock in Pikesville. The Petition was filed by the owners of the property, Margate Joint Venture, by David R. Priddy, Vice President of The Regency Homes Group, Inc., a Partner, through their attorney, Robert A. Hoffman, Esquire. The Petitioners seek relief from Section 1801.2.C.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) and Section V.B.3 of the Comprehensive Manual of Development Policies (C.M.D.P.) to permit a building separation of 30 feet in lieu of the required 40 feet for buildings with a height of 40 feet. The subject property and relief sought are more particularly described on the site plan submitted and marked into evidence as Petitioner's Exhibit 1.

Appearing on behalf of the Petition were Daniel P. McGrain, a representative of Regency Homes Group, Inc., Richard L. Smith, Registered Property Line Surveyor with KCI Technologies, Inc., Jean Tansey, a representative of Daft-McCune-Walker, Inc., Howard Resnick, Richard Hayward, and Robert A. Hoffman, Esquire, attorney for the Petitioner. Appearing as interested citizens were Ellen and Lawrence Young, nearby residents of the area. There were no Protestants present.

Testimony and evidence offered revealed that the subject property consists of a gross area of 3.72 acres, more or less, zoned D.R. 3.5, and is proposed for development with 27 townhouse condominiums in accordance with the site plan marked into evidence as Petitioner's Exhibit 1. This property, formerly known as Section 3 of Valley Gate, was the subject of prior zoning Case No. 93-368-A in which variances were granted for the proposed development of this site on June 8, 1993. Testimony indicated, however, that the Petitioners failed to note on their plan that the proposed townhouses would be 40 feet in height, and thus, the requested variance is necessary in order to proceed. Further testimony indicated that there will be no other townhouses built in this community, and that the plan as originally submitted will remain virtually the same.

The B.C.Z.R., specifically Section 307.1, established a two-step process for the granting of variances. That two-step process was addressed and identified by the Court of Special Appeals in the case of Cromwell v. Ward, No. 617, September Term, 1994. The opinion in that case, issued January 4, 1995 and authored by the Honorable J. Cathell, interpreted our regulations to require the applicant to establish the following:

First, the Applicant (Petitioner) must prove, and this Deputy Zoning Commissioner must find, that the "property whereon structures are to be placed (or uses conducted) is -- in and of itself -- unique and unusual in a manner different from the nature of surrounding properties such that the uniqueness and peculiarity of the subject property causes the zoning provision to impact disproportionately upon that property."

I find from the testimony and evidence presented in this case that the subject property is unique, unusual and different from properties

which surround the subject site so as to cause this applicable zoning provision to impact disproportionately upon this particular parcel of land.

Having satisfied this "first step" the Applicant (Petitioner) must proceed to the "second step" of this variance process, which is to show that strict compliance with the zoning regulations for Baltimore County would result in practical difficulty or unreasonable hardship.

The practical difficulty or unreasonable hardship guidelines that have been imposed by the Baltimore County Zoning Regulations (B.C.Z.R.) have been thoroughly examined and discussed by the appellate courts of this State. In Loyola Federal Savings and Loan Association v. Buschman, 227 Md. 243, 176 A.2d 355 (1961), the Court of Appeals considered the identical regulation to Section 307.1 of the B.C.Z.R.

As the Court noted: "Section 307 of the Regulations uses the two terms (practical difficulty or unreasonable hardship) in the disjunctive." Loyola Federal, p. 358. Thus, by the use of the term "or", Section 307 offers the Petitioner an opportunity to obtain its variance upon satisfaction of either the undue hardship or practical difficulty standard.

The distinction between these standards was clarified by the Court of Special Appeals in Anderson v. Board of Appeals, Town of Chesapeake Beach, 22 Md. App. 28, 322 A.2d 220 (1974). Within that opinion, the Court held that the undue hardship standard applies to a petition for a use variance. The Court noted that a use variance, which permits a use on the property other than that specifically permitted in that particular district, requires the imposition of a higher standard. That is, to allow the change of use for a particular property requires the Petitioner to demonstrate real hardship, where the land cannot allow a reasonable return if used only in accordance with the use restrictions of the ordinance.

Compared with this heavy burden, the Court reviewed the practical difficulty standard applicable for area variances. The Court characterized area variances as having a much less drastic effect than use variances, in that they seek relief only from height, area, setback, or side property line restrictions and would not affect the property's use, per se. The Court envisioned the impact of area variances on the surrounding locale to be less than that generated by use variances, and thus, the lesser practical difficulty standard applies. The prongs of that standard which must be satisfied by the Petition, as enunciated in Anderson, supra, are as follows:

- 1) whether compliance with the strict letter of restrictions governing area, setbacks, frontage, height, bulk or density would unreasonably prevent the owner from using the property for a permitted purpose or would render conformity with such restrictions unnecessarily burdensome;
- 2) whether a grant of the variance applied for would do substantial injustice to applicant as well as to other property owners in the district or whether a lesser relaxation than that applied for would give substantial relief to the owner of the property involved and be more consistent with justice to other property owners; and
- 3) whether relief can be granted in such fashion that the spirit of the ordinance will be observed and public safety and welfare secured.

Anderson, p. 39. See also McLean v. Soley, 270 Md. 208 (1973) at pps. 214-215.

I find from the testimony and evidence presented at the hearing before me that the Applicants have in fact proven the practical difficulty standards as set forth above and that the variance requested should be granted. I further find that the granting of this variance is in strict harmony with the spirit and intent of the B.C.Z.R. and that the granting

of this relief is accomplished without injury to the public health, safety or general welfare.

Pursuant to the advertisement, posting of the property and public hearing on this Petition held, and for the reasons set forth above, the requested variance should be granted.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 21st day of February, 1995 that the Petition for Variance seeking relief from Section 1801.2.C.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) and Section V.B.3 of the Comprehensive Manual of Development Policies (C.M.D.P.) to permit a building separation of 30 feet in lieu of the required 40 feet for buildings with a height of 40 feet, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject to the following restriction:

- 1) The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the relief granted herein shall be rescinded.

Timothy M. Kotroco
TIMOTHY M. KOTROCO
Deputy Zoning Commissioner
for Baltimore County

TNK:bjs

Suite 112 Courthouse
400 Washington Avenue
Towson, MD 21204

February 21, 1995

(410) 887-4386

Robert A. Hoffman, Esquire
Venable, Baetjer & Howard
210 Allegheny Avenue
Towson, Maryland 21204

RE: PETITION FOR VARIANCE
W/S Greene Tree Road, 1590' N of the c/l of Hooks Lane
(The Margate, formerly known as Section Three of Valley Gate)
3rd Election District - 3rd Councilmanic District
Margate Joint Venture, The Regency Homes, Inc., Partner - Petitioner
Case No. 95-240-A

Dear Mr. Hoffman:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Variance has been granted in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact the Zoning Administration and Development Management office at 887-3391.

Very truly yours,

Timothy M. Kotroco
TIMOTHY M. KOTROCO
Deputy Zoning Commissioner
for Baltimore County

TNK:bjs

cc: Mr. David R. Priddy, Vice President, The Regency Homes Group, Inc.,
49 Old Solomons Island Road, Suite 301, Annapolis, Md. 21401

Mr. & Mrs. Lawrence Young, 21 Mary Carroll Ct., Baltimore, Md. 21208

People's Counsel

File



Petition for Variance

to the Zoning Commissioner of Baltimore County
for the property located at

W/S Greentree Road
1590' N of c/l of Hooks Lane
which is presently zoned DR3.5

This Petition shall be filed with the Office of Zoning Administration & Development Management. The undersigned, legal owner(s) of the property situated in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section(s) 1801.2(C).1 of the Baltimore County Zoning Regulations and Section V.B.3. of the Comprehensive Manual of Development Policies to allow a building separation based on a building height of 40 ft. to be 30 ft. instead of the required 40 ft.

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County, for the following reasons: (Indicate hardship or practical difficulty)

To be determined at hearing.

Property is to be posted and advertised as prescribed by Zoning Regulations. I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

Contract Purchaser(s)

(Type or Print Name)

Signature

Address

City

State

Zip

Agent for Petitioner

(Type or Print Name)

Signature

Address

City

State

Zip

Telephone

Office Use Only

Submitted Length of Hearing

Following Date

Other

Approved By

Date

When the following parties and others, under the provisions of zoning, that they are the legal owner(s) of the property which is the subject of this Petition:

Legal Owner(s) Margate Joint Venture

By: The Regency Homes Group, Inc., Partner

(Type or Print Name)

Signature

Address

City

State

Zip

Telephone

Signature

Address

City

State

Zip

Telephone

Office Use Only

Submitted Length of Hearing

Following Date

Other

Approved By

Date



DESCRIPTION
THE MARGATE
3.3 ACRE, MORE OR LESS PARCEL
WEST SIDE OF GREENE TREE ROAD, NORTH OF HOOK'S LANE
ELECTION DISTRICT 3
BALTIMORE COUNTY, MARYLAND

This description is to accompany the petition for a variance to building separation based on building height.

BEGINNING FOR THE SAME on the west side of Greene Tree Road, said point of beginning being 1,590 feet, more or less northerly from the center line of Hook's Lane, thence continuing to bind on the west side of Greene Tree Road

- (1) North 08 degrees 32 minutes 34 seconds West 671.55 feet to intersect the northwest outline of the whole tract, thence southwesterly the two following courses and distances,
- (2) South 36 degrees 04 minutes 45 seconds West 27.29 feet and
- (3) South 25 degrees 28 minutes 08 seconds West 716.13 feet to intersect the North boundary line of the "Festival at Woodholm" property (shown and recorded on the First Amended Plat, SM57-79), thence binding on said line North 89 degrees 23 minutes and 34 seconds East 423.80 feet to the Place of Beginning.

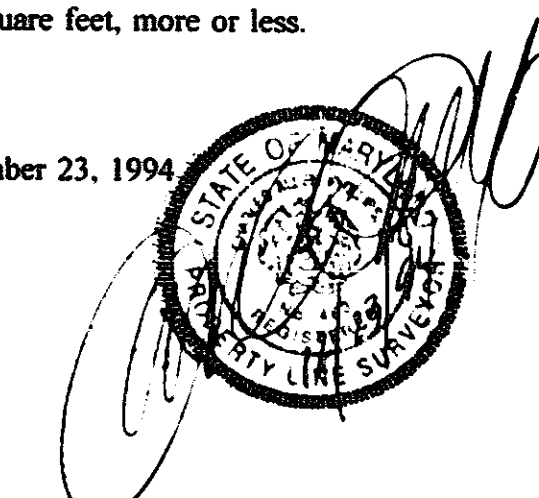
Containing 3.3 acres of land, more or less, or 143,748 square feet, more or less.

/dmr KCI Job No. 01-76055M

December 23, 1994

file margin ds

KCI TECHNOLOGIES, INC.
ENGINEERS AND PLANNERS



ORDER RECEIVED FOR FILING
Date 2/21/95
By [Signature]

ORDER RECEIVED FOR FILING
Date 2/21/95
By [Signature]

DEP- OFF
No REVIEW
1-4-95 WCR

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

District: 3rd Date of Posting: 1/24/95
Posted for: Variance
Petitioner: Margate Joint Venture
Location of property: W/S Green Tree Rd. N of c/l Hooks Lane
Location of Sign: Along W/S Green Tree Rd. N of c/l Hooks Lane
Remarks: None
Posted by: [Signature] Date of return: 1/25/95
Number of Signs: 1

CERTIFICATE OF PUBLICATION

TOWSON, MD. Jan 20, 1995
THIS IS TO CERTIFY that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on Jan 19, 1995.

THE JEFFERSONIAN,
A. Henrichson
LEGAL AD. - TOWSON

NOTICE OF HEARING

The Zoning Commission of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204 as follows:
Case: 95-240-A (Item 228)
W/S Green Tree Road, 1590' N of c/l Hooks Lane (The Margate; formerly Section 3, Valley Gate)
3rd Election District - 3rd Councilmatic
Legal Owner(s): Margate Joint Venture
Hearing: Friday, February 10, 1995 at 2:00 p.m. in Room 106, County Office Building
Variance to allow a building separation based on a building height of 40 feet to be 30 feet instead of the required 40 feet.
LAWRENCE E. SCHMIDT
Zoning Commissioner for Baltimore County
NOTES: (1) Hearings are handicapped accessible; for special accommodations please call 887-3353.
(2) For information concerning the file and/or hearing, please call 887-3391.
1/17/95 January 19



Baltimore County
Zoning Administration &
Development Management
111 West Chesapeake Avenue
Towson, Maryland 21204

Date: 1/24/95

receipt
95-240-A
Account: R-061-6150
Number: 228
DROP-OFF - NO REVIEW

400' - MARGATE - \$250.00
100' - SIGN POSTING - \$25.00
TOTAL - \$275.00

Local Owner: Margate Joint Venture
W/S Green Tree Road, 1590' N of centerline Hooks Lane (The Margate)
3rd Election District - 3rd Councilmatic
Legal Owner(s): Margate Joint Venture
Hearing: Friday, February 10, 1995 at 2:00 p.m. in Room 106, County Office Building
Check from: Venable, Baetjer & Howard

Please Make Checks Payable To: Baltimore County

Cashier Validation

TO: POTTYENT PUBLISHING COMPANY
January 19, 1995 Issue - Jeffersonian

Please forward billing to:
Barbara Howard
Venable, Baetjer & Howard
210 Allegheny Avenue
Towson, Maryland 21204
494-6262

NOTICE OF HEARING

The Zoning Commission of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204 or Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 95-240-A (Item 228)
W/S Green Tree Road, 1590' N of c/l Hooks Lane (The Margate; formerly Section 3, Valley Gate)
3rd Election District - 3rd Councilmatic
Legal Owner(s): Margate Joint Venture
Hearing: Friday, February 10, 1995 at 2:00 p.m. in Room 106, County Office Building.

Variance to allow a building separation based on a building height of 40 feet to be 30 feet instead of the required 40 feet.

LAWRENCE E. SCHMIDT
ZONING COMMISSIONER FOR BALTIMORE COUNTY

NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.
(2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, PLEASE CALL 887-3391.

Baltimore County Government
Office of Zoning Administration
and Development Management



111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

JANUARY 10, 1995

NOTICE OF HEARING

The Zoning Commission of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204 or Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 95-240-A (Item 228)
W/S Green Tree Road, 1590' N of c/l Hooks Lane (The Margate; formerly Section 3, Valley Gate)
3rd Election District - 3rd Councilmatic
Legal Owner(s): Margate Joint Venture
Hearing: Friday, February 10, 1995 at 2:00 p.m. in Room 106, County Office Building.

Variance to allow a building separation based on a building height of 40 feet to be 30 feet instead of the required 40 feet.

[Signature]
Arnold Jablon
Director

cc: Margate Joint Venture
Robert A. Hoffman, Esq.

NOTES: (1) ZONING SIGN & POST MUST BE RETURNED TO RM. 104, 111 W. CHESAPEAKE AVENUE ON THE HEARING DATE.
(2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.
(3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THIS OFFICE AT 887-3391.

Printed with Soybean Ink
on Recycled Paper

Baltimore County Government
Office of Zoning Administration
and Development Management



111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

February 1, 1995

Robert A. Hoffman, Esquire
210 Allegheny Avenue
Towson, Maryland 21204

RE: Item No.: 228
Case No.: 95-240-A
Petitioner: Margate Joint Venture

Dear Mr. Hoffman:

The Zoning Advisory Committee (ZAC), which consists of representatives from Baltimore County approving agencies, has reviewed the plans submitted with the above referenced petition. Said petition was accepted for processing by, the Office of Zoning Administration and Development Management (ZADM), Development Control Section on January 4, 1995.

Any comments submitted thus far from the members of ZAC that offer or request information on your petition are attached. These comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties; i.e., zoning commissioner, attorney, petitioner, etc., are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case. Only those comments that are informative will be forwarded to you; those that are not informative will be placed in the permanent case file.

If you need further information or have any questions regarding these comments, please do not hesitate to contact the commenting agency or Joyce Watson in the zoning office (887-3391).

Sincerely,
[Signature]
W. Carl Richards, Jr.
Zoning Supervisor

WCR/jw
Attachment(s)

Baltimore County Government
Fire Department



700 East Joppa Road Suite 901
Towson, MD 21286-5500

(410) 887-4500

DATE: 01/19/95

Arnold Jablon
Director
Zoning Administration and
Development Management
Baltimore County Office Building
Towson, MD 21204
410-887-3391

RE: Property Owner: MARGATE JOINT VENTURE

LOCATION: W/S GREEN TREE RD., 1590' N OF CENTERLINE HOOKS LN.
(THE MARGATE, FORMERLY SECTION 3, VALLEY GATE)

Item No.: 228
Zoning Agency: VARIANCE

In reply to your request, the referenced property has been surveyed by Dave Johnson and the comments below are applicable and related to be connected to incorporated into the final plans for the property.

4. The site shall be made to comply with all applicable parts of the Fire Prevention Code prior to occupancy or beginning of operation.
5. The buildings and structures existing or proposed on the site shall comply with all applicable requirements of the National Fire Protection Association Standard No. 111 Life Safety Code, and action prior to occupancy.

RECEIVED
JAN 17 1995
ZADM

REVIEWED: LT. ROBERT E. SPLENDID
Fire Marshal Office, PHONE 887-4891, MS-110

cc: File



Printed on Recycled Paper

**BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE**

TO: Arnold Jablon, Director
Zoning Administration and Development Management

FROM: Robert W. Bowling, P.E., Chief
Developers Engineering Section

RE: Zoning Advisory Committee Meeting
for January 23, 1995
Item No. 228

The Developers Engineering Section has reviewed the subject zoning item. The privacy fencing proposed for Castleton Avenue shall be placed 10 feet off the right-of-way. Planting shall occur between the fence and roadway. The approved final landscape plan must be amended to reflect the proper fence location.

RWB:aw

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Zoning Administration &
Development Management

FROM: Pat Keller, Director
Office of Planning and Zoning

DATE: January 23, 1995

SUBJECT: The Margate

INFORMATION:

Item Number: 228
Petitioner: Margate Joint Venture
Property Size: 3.3 acres
Zoning: DR 3.5
Requested Action: Variance
Hearing Date: 1/1

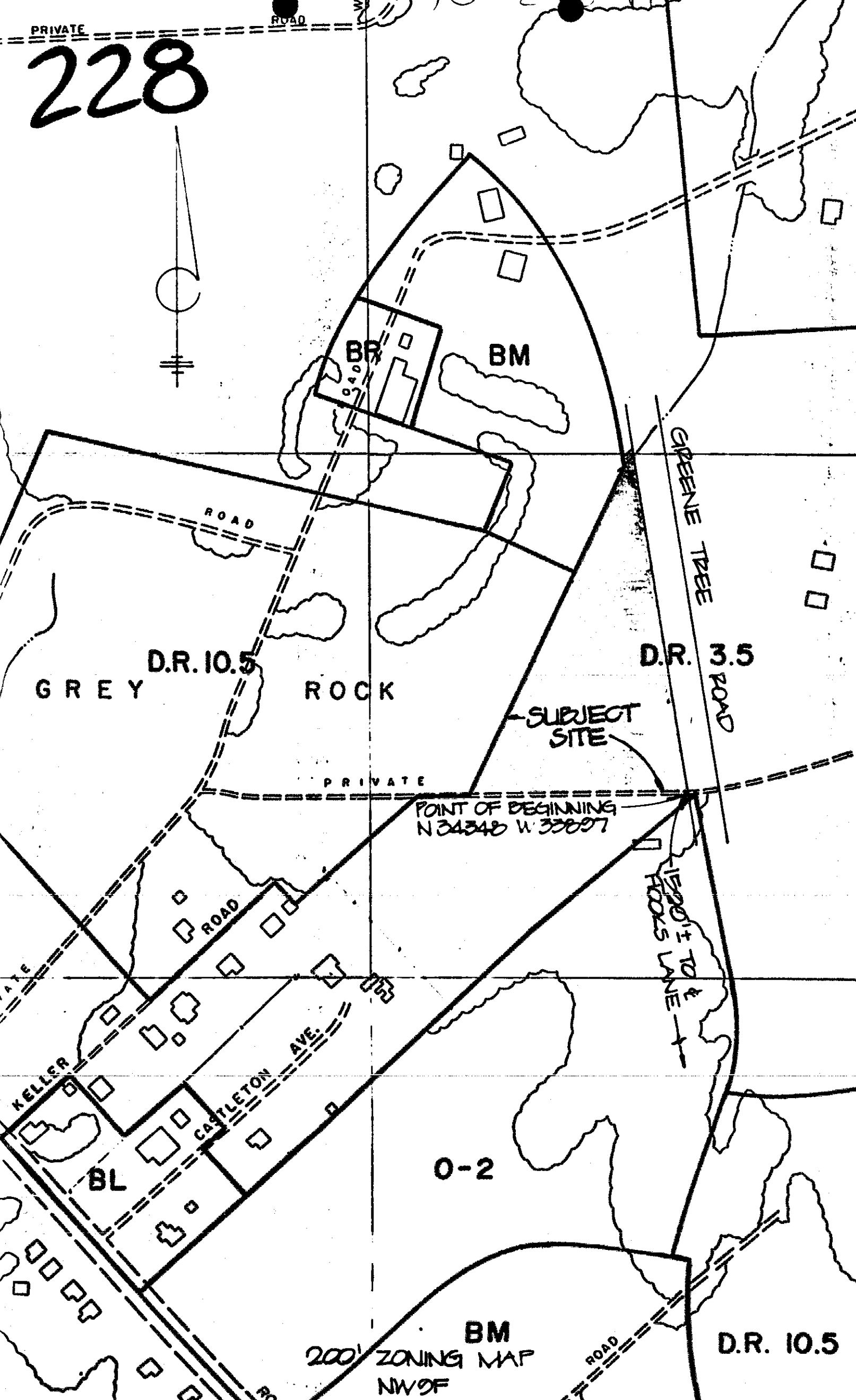
SUMMARY OF RECOMMENDATIONS:

On January 17, 1995, the applicant requested a limited exemption to create a land parcel as part of a land exchange between The Margate and the Grey Rock subdivisions. The development Review Committee approved the request; however, the DRC indicated that the owners of both properties will be required to amend their respective Final Development Plans. Therefore, the applicant should amend the subject request to include a Special Hearing to amend the FDP for Grey Rock. At such time as the Petition for Special Hearing is forwarded, this office will provide comments regarding the amendment.

Prepared by: [Signature]
Division Chief: [Signature]
PK/JL:lw

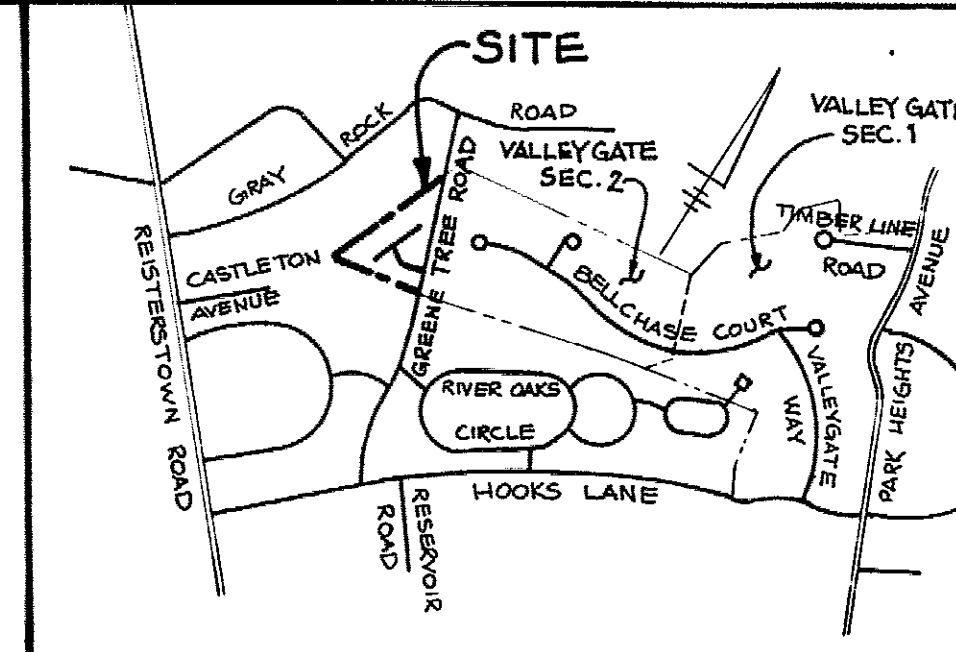
ITEM228/PZONE/TEXT.JNL

Page 1



PHASE I
GRAY ROCK
SM 63-124

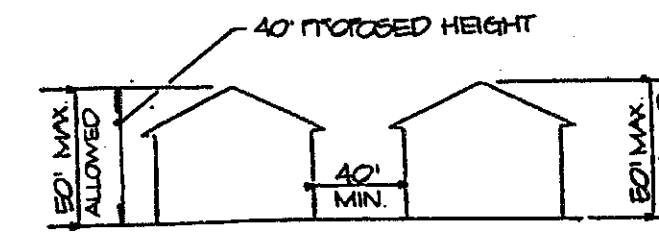
PHASES II & III
GRAY ROCK
SM 63-133



LOCATION MAP
SCALE: 1" = 1000'

GENERAL NOTES

1. AREA OF THE PROPERTY: 3.9 AC. ±, GROSS ACRES: 3.72 AC. ±
2. EXISTING ZONING OF THE PROPERTY: "DR 3.5"
3. EXISTING ZONING OF THE PROPERTY: "VACANT LAND"
4. PROPOSED USE OF THE PROPERTY: RESIDENTIAL TOWNHOUSE CONDOMINIUMS (FOR SALE)
5. ALL ROADS AND ALL UTILITIES WITHIN THE PROJECT ARE TO BE PRIVATE
6. TRASH COLLECTION WILL BE BY A PRIVATE CONTRACTOR
7. LANDSCAPING OF THE SITE WILL BE COMPLIANT WITH THE BALTIMORE COUNTY LANDSCAPE MANUAL
8. DENSITY CALCULATIONS: "THE MARGATE"
 - A. ALLOWED NO. OF DWELLING UNITS: 13.02
 - B. PROPOSED NO. OF DWELLING UNITS: 27 (SEE DENSITY CHART. THIS DRAWING PROPERTY IS PART OF VALLEY GATE APPROVED AS AN OVER-ALL PLAN 7/3/80 AND AMENDED 4/27/87 (C.R.G. N° 86147, PLANNING USE III-293)
9. PARKING CALCULATIONS:
 - A. REQUIRED: 71 (2/UNIT - 54 x 1.3 = 70.2 + 71)
 - B. PROVIDED: 71
10. COMMON OPEN SPACE: (PER OVERALL PLAN OF VALLEY GATE)
 - A. REQUIRED: 1. SECTION 1 - NONE
 - 2. SECTION 2 - 0.78 AC. ± (52 x 650 S.F.)
 - 3. SECTION 3 (THE MARGATE) - 0.40 AC. ± (25 x 650 S.F.)
 - B. PROVIDED:
 - 1. SECTION 1 - NONE
 - 2. SECTION 2 - 3.97 AC. ± (OWNED & MAINTAINED BY H.O.A.)
 - 3. SECTION 3 (THE MARGATE) - 0 AC. ±
11. AVERAGE DAILY TRIPS: 27 x 8.5 = 230



THE FOLLOWING SETBACKS APPLY:
#1. 40' MINIMUM TO WINDOW (H.O.F. BLOC.)
#2. 35' WINDOW TO TRACT BOUNDARY
#3. 25' WINDOW TO STREET RIGHT OF WAY
#4. 15' WINDOW TO PROPERTY LINE
#5. 30' BUILDING TO TRACT BOUNDARY
#6. 30' BUILDING TO EX. EXISTING STREET
#7. 25' BUILDING TO EXISTING RIGHT OF WAY
#8. 0' BUILDING TO PROPOSED R/W
#9. MIN. HORIZONTAL BLDG. SEPARATION BASED UPON BLDG. HEIGHT OF 40' (VARIANCE REQUESTED TO ALLOW A 20' SEPARATION)

NOTE: PETITIONER IS REQUESTING A VARIANCE TO SECTION 1 801.2 (C) 1 OF THE BCZ AND SECTION V.B. 3 OF THE CMOP (SEPT. 1972) DISTANCES BETWEEN SEPARATE BUILDINGS TO ALLOW A BUILDING TO BUILDING SEPARATION BASED ON A BUILDING HEIGHT OF 40.0' TO BE 30' INSTEAD OF THE REQUIRED 40'.
A VARIANCE OF 10'.

* DENSITY CALCULATIONS CHART		
VALLEY GATE	DWELL. UNITS ALLOWED	DWELLING UNITS PROPOSED
SECTION 1	26	21 (56 X LOTS MIN. 1 ACRES)
SECTION 2	600	82 (48 SINGLE FAMILY, 1 COMMO)
SECTION 3	13	(COMMO) 27
TOTAL	645	100
SECTION 1 - DENSITY		
DR: 3.5 = 1.28 AC. 2.17 = 1.28 (1)		
MR: 3.5 = 3.15 AC. 2.47 = .385 (10)		
RR: 3.5 = .467 AC. 2.58 .66 = .33 (53)		
SECTION 2 - DENSITY		
DR: 3.5 = 36.31 AC. 2.55 = 100.99 (100)		
SECTION 3 - DENSITY		
DR: 3.5 = 3.72 AC. 2.55 = 13.02 (13)		
TOTAL GROSS ACRES = 74.36		
* THE MARGATE IS LOCATED ON SECTION 1 "VALLEY GATE" ORIGINALLY APPROVED AS AN OVER-ALL PLAN ON 7/3/80 (AMENDED 4/27/87). THE DENSITY UTILIZED IS REMAINING, UNLESS, FROM THE OVERALL DENSITY PLAN OF VALLEY GATE PER SECTION 1801.2 A (1972)		

LANDSCAPE CALCULATION
1. 816 LINEAR FEET INTERIOR ROAD - 20 = 21 P.U.'S REQUIRED.
2. 218 LINEAR FEET ADJACENT ROAD - 40 = 23 P.U.'S REQUIRED.
3. 104 LINEAR FEET OF PARKING LOT ADJACENT RIGHT-OF-WAY CLASS "B" SCREEN - 15 = 7 P.U.'S REQUIRED.
4. 436 LINEAR FEET OF SCREENING WATER QUALITY POND CLASS "A" - 15 = 29 P.U.'S REQUIRED.
5. 531 LINEAR FEET OF REAR LOT ADJACENT TO RIGHT-OF-WAY CLASS "A" SCREEN - 15 = 38 P.U.'S REQUIRED.
TOTAL PLANTING UNITS REQUIRED 128
TOTAL PLANTING UNITS PROVIDED 144
58 MAJOR, 17 MINOR, 42 EVERGREEN, 287 SHRUBS.
NOTE: LANDSCAPE CALCULATIONS AND LANDSCAPE PLAN APPROVED 8/24/93. REVISED PLAN TO BE RESUBMITTED FOR REVISED HOUSE PLANS.

ZONING COMMISSIONERS ORDER
CASE NO. 93-308A

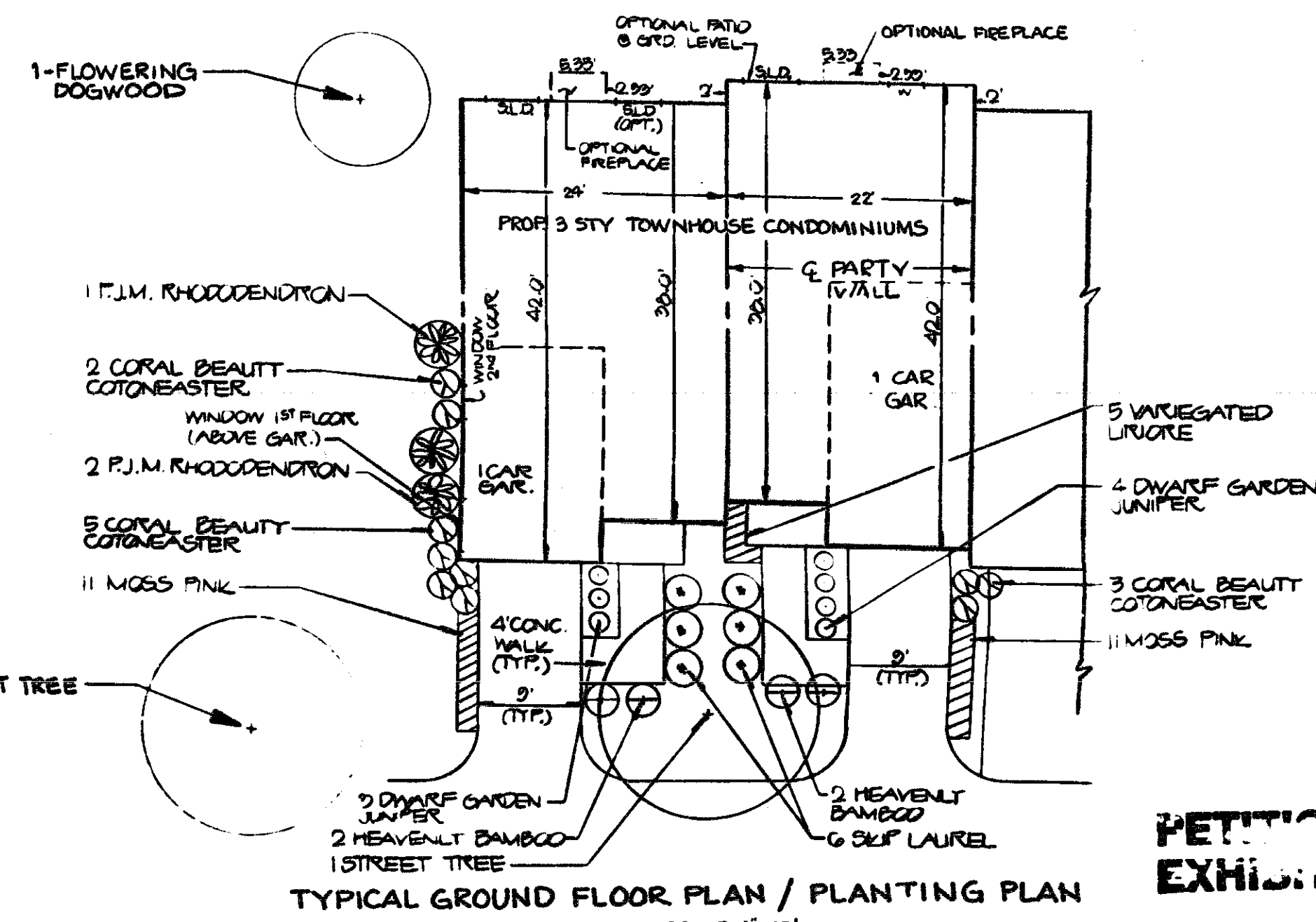
THEREFORE, IT IS ORDERED BY THE ZONING COMMISSIONER FOR BALTIMORE COUNTY THIS 9TH DAY OF JUNE, 1993 THAT A VARIANCE FROM SECTIONS 1801.2 (C) 1, B.C.Z.R. IV B.5.6 - C.M.O.P.1 TO ALLOW DWELLINGS WITH WINDOWS WITHIN 30 FT. OF A TRACT BOUNDARY IN LIEU OF THE REQUIRED 35' AND SECTIONS 1801.2 (C) 2, B.C.Z.R. IV B.5.6 - C.M.O.P.1 TO ALLOW A MINIMUM DISTANCE OF 30 FT. BETWEEN CENTERS OF FACING WINDOWS AT DIFFERENT BUILDINGS IN LIEU OF THE REQUIRED 40 FT. IN ACCORDANCE WITH PETITIONER'S EXHIBITS 1 AND 2 BE AND IS HEREBY GRANTED SUBJECT HOWEVER TO THE FOLLOWING RESTRICTIONS WHICH ARE CONDITIONS PRESENT TO THE GRANTED RELIEF HEREIN:

1. THE PETITIONER MAY APPLY FOR HIS BUILDING PERMIT AND BE GRANTED SAME UPON RECEIPT OF THIS ORDER. HOWEVER, PETITIONER IS HEREBY MADE AWARE THAT PROCEEDING AT THIS TIME IS AT HIS OWN RISK UNTIL SUCH TIME AS THE 30 DAY APPEAL PROCESS FROM THIS ORDER HAS EXPIRED. IF, FOR WHATEVER REASON, THIS ORDER IS REVERSED, THE PETITIONER WOULD BE REQUIRED TO RETURN, AND BE RESPONSIBLE FOR RETURNING, SAID PROPERTY TO ITS ORIGINAL CONDITION.
2. THE PETITIONER SHALL SUBMIT A LANDSCAPE PLAN IN COMPLIANCE WITH THE BALTIMORE COUNTY LANDSCAPE MANUAL.

SIGNED
TIMOTHY J. KOTROCO
DEPUTY ZONING COMMISSIONER
FOR BALTIMORE COUNTY

LEGEND

- MAJOR DECIDUOUS TREE
- MINOR EVERGREEN TREE
- MINOR FLOWERING TREE
- SHRUB MASS



SITE DATA
1. CRG PLAN 1/5/73, APPD 11-14-81
2. PLANNING UP 21-584
3. CRUSIS TRACT 40371 01
4. WATER SHEET 27, 94.05 SEWER SHEET 65
5. TAX ACCT. N° 20-00-01281
6. DEED REF: 8254-096

OWNER AND DEVELOPER
MARGATE JOINT VENTURE
3030 RED BRANCH RD. SUITE 200
COLUMBIA, MD. 21045
ATTN: MR. RICHARD HATWAND 410-221-7222

KCI TECHNOLOGIES INC.
ENGINEERS • PLANNERS • SURVEYORS
10 NORTH PARK DRIVE
HUNT VALLEY, MARYLAND 20884 (410) 266-7000

PLAT TO ACCOMPANY PETITION FOR VARIANCE
AT
"THE MARGATE"
(FORMERLY SECTION THREE VALLEY GATE)
WEST SIDE OF GREENE TREE ROAD, 1550 ± NORTH OF HOOKS LANE
ELECTION DIST. N° 3 COUNCIL-MANIC DISTRICT N° 3 BALTIMORE COUNTY, MD

DESIGN BY: RLS
DRAWN BY: AJP
CHECKED BY: RLS

SCALE
1" = 30'

DATE
12-22-94

SHEET NUMBER
1 OF 1

JOB NUMBER
17-055-M